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EXAMINER

AVELLINO, JOSEPH E

| ART UNIT | PAPER NUMBER |
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2143

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/596,431

Applicant(s)

WEISS, DAVID

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-4. 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-67 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6-8, 47, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 6 recites the limitation "said portable client device". There is insufficient antecedent basis for this limitation in the claim. For examination purposes it will be understood that this claim is to depend upon claim 4. Applicant is requested to amend this claim.

5. Claims 7 and 8 recite the limitation "said local communications channel". There is insufficient antecedent basis for this limitation in the claim. These claims depend upon claim 6, which, for examination purposes, is to be understood to depend from claim 4. The Office would like to point out that if claim 6 is amended to depend from claim 4, the rejection under 35 USC 112, second paragraph for claims 7 and 8 would be withdrawn, since there is sufficient antecedent basis from being dependent upon that claim.

6. Claim 47 recites the limitation "or a separate content". It is indeterminable to ascertain the relevant scope of this claim. Since this is a parallel claim to an earlier

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claim it is understood that this limitation will be, for examination purposes, understood to mean "a separate content server".

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 9, 13, 14, 16-18, 45-49, 52, 56, 57, 59, 60, 62, 63, and 67 are rejected under 35 U.S.C. 102(e) as being anticipated by Hudetz et al. (USPN 5,978,773) (cited by applicant in IDS) (hereinafter Hudetz).

8. Referring to claim 1, Hudetz discloses a computer architecture for providing a bridge between tangible media (i.e. ordinary articles of commerce) and computer media (i.e. web pages and network resources), said computer architecture comprising:

a bridge server computer system (service provider and database, 60: Figure 1) including a database 60 and server control program (Figures 1, 5; abstract; cols. 8-9);

a client computer system 28 including a bridge control program (browser software) and an input device 44 adapted to receive a bridge code (46, bar code off an

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article of commerce, 48) associated with a tangible media object 48 (Figure 1; cols. 8-9);

a communications channel (Internet, 50) coupling said bridge server computer system and said client computer system (e.g. abstract; Figure 1; col. 5, lines 5-29);

whereby said bridge control program is operative to send a bridge code entered through said input device from said client computer system to said bridge server and said server control program is operative to query said database based on the bridge code and execute action commands contained in said database in correspondence to the bridge code (e.g. abstract).

9. Referring to claim 2, Hudetz discloses said action commands comprise storing links corresponding to the bridge codes for subsequent display (it is inherent that if the desired resource is accessed, such as displaying a web page corresponding to a scanned bar code as taught by Hudetz, the web page must be stored in order for it to be displayed) (e.g. abstract; Figures 5-6; col. 11, lines 6-8).

10. Referring to claim 3, Hudetz discloses the links are stored on a Web page (Figure 6).

11. Referring to claim 4, Hudetz discloses said client computer system comprises a client computer (local host), a portable client device (bar code reader), and a local communications channel 38, 42 selectively coupling said client computer to said

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portable client device, said input device being disposed in said portable client device (i.e. it is scanned from the input device) and the bridge code being uploaded from said portable client device to said client computer over said local communications channel (col. 8, lines 38-40).

12. Referring to claim 5, Hudetz discloses the action commands comprise instructions for displaying a web page (i.e. a URL is considered an instruction to where the browser can find the web page to display or, optionally, code in how to display the web page based on user's selections) stored on one of said bridge server computer system or a separate content server coupled to said communications channel (it is understood that the URL is a web page which is downloaded from a remote content server such as the advertisers web site to the browser program located on the clients computer) (col. 8, lines 29-46).

13. Referring to claim 9, Hudetz discloses the action commands comprise instructions (i.e. a URL is considered an instruction to where the browser can find the web page to display) for downloading data to said client computer system from another server coupled to said communications channel (it is inherent that for a web page to display on a computer system it must be stored, or downloaded, into memory before it can be displayed) (e.g. abstract).

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14. Referring to claim 13, Hudetz discloses the action commands comprise instructions for displaying a link related to the tangible media on said client computer system (it is inherent that the URL related to the UPC code on a product is related since it would completely negate the purpose of the invention, which is to facilitate internet access through sponsored articles) (e.g. abstract).

15. Referring to claim 14, Hudetz discloses the link is in the form of a web page (a requested resource located by a URL is understood to be a web page) (e.g. abstract; col. 5, lines 45-54).

16. Referring to claim 16, Hudetz discloses the input device is a bar code reader adapted to read the bridge code in the form of bar codes (Figures 1-5).

17. Referring to claims 17 and 18, Hudetz discloses the communications channel is the Internet (Figure 1, reference character 20; col. 5, lines 1-13).

18. Claims 45-49, 52, 56, 57, 59, 60, and 67 are rejected for similar reasons as stated above.

19. Referring to claims 62 and 63, Hudetz discloses inputting the bridge code into a keypad (a keyboard can be broadly construed as a keypad since it handles the same function and functions similar as the keypad) (col. 8, lines 34-38).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8, 10-12, 19-43, 50, 51, 53-55, 61, and 64-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz.

21. Referring to claim 6, Hudetz discloses a computer architecture providing a bridge between tangible media and computer media as stated in the claims above. Hudetz does not specifically disclose that the portable client device is a wireless phone. However, it is well known in the art that wireless phones can connect to computers in order to transfer information between them (i.e. download calendars, upload to-do lists, etc.). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hudetz to include a portable device as a wireless phone in order to provide a mobility factor to the user, enabling the user to transfer information entered earlier while the person was out to the computer when they get home.

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22. Referring to claim 7, Hudetz discloses a computer architecture providing a bridge between tangible media and computer media as stated in the claims above. Hudetz does not specifically disclose the local communications channel is an infrared communications channel. However it is well known in the art that infrared communications between devices such as a host computer and a peripheral device (e.g. Bluetooth, mobile phone technology, etc.). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hudetz to include the local communications channel as an infrared communications channel to reduce the necessity of cables on the user's desktop, and for more efficient transferring of data.

23. Referring to claim 8, Hudetz discloses a computer architecture providing a bridge between tangible media and computer media as stated in the claims above. Hudetz does not specifically disclose the local communications channel is a radio frequency communications channel. However it is well known in the art that radio frequency communications channels exist (e.g. two-way radios, mobile phones, wireless routers, etc.). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hudetz to include the local communications channel as an infrared communications channel to reduce the necessity of cables on the user's desktop, for more mobility for the user, and for more efficient transferring of data.

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24. Referring to claims 19-22, and 32, Hudetz discloses a computer architecture providing a bridge between tangible media and computer media as stated in the claims above. Hudetz does not specifically disclose the client computer system comprises a wireless communications device, however it is well known in the art that wireless communications devices have the ability to connect computers to a wireless network and to the internet (wireless NIC's, routers, modems, etc.) which have the capabilities to transmit any form of data that a land line can, such as bridge codes. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hudetz to include a wireless communications device to the client computer system to reduce the necessity of cables on the user's desktop, for more mobility for the user, and for more efficient transferring of data.

25. Referring to claims 23-25, 33-36, Hudetz discloses a computer architecture providing a bridge between tangible media and computer media as stated in the claims above. Hudetz does not specifically disclose the wireless communication device is a cellular or wireless digital phone, or a PDA with wireless capabilities. However it is well known in the art that cellular and wireless digital phones can be connected to a modem on computers to be used to dial into an ISP and provide communication with a wireless network and to the Internet. It is further well known in the art that PDA's can communicate with a wireless network through the use of CompactFlash NIC's inserted into the PDA. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hudetz to include a cellular,

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wireless digital phone, or PDA with wireless capabilities to the system of Hudetz to provide motility to the user as well as for convenience and applicability.

26. Referring to claims 26 and 27, Hudetz discloses a computer architecture providing a bridge between tangible media and computer media as stated in the claims above. Hudetz does not specifically disclose the wireless communication device is a vehicle navigational system. However it is well known in the art that navigational systems have the capabilities of connection to a wireless network (e.g. GPS or satellite networks) to provide the user with access to the Internet. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hudetz to include a vehicle navigational computer network with wireless capabilities to the system of Hudetz to provide motility to the user as well as the use of accessing the internet from a user's automobile.

27. Referring to claims 28 and 29, Hudetz discloses a computer architecture providing a bridge between tangible media and computer media as stated in the claims above. Hudetz furthermore states that the bar codes may be entered using a keypad (keyboard) (col. 8, lines 34-38) but does not state this is a keypad on a wireless cellular or digital phone, however it is well known in the art that keypads on cellular or digital phones can be used to enter numerical codes to a modem connected on the other end of the call (e.g. press '1' to speak to Jim, press '2' to speak to Jill, entering bank account numbers, accessing an answering machine remotely, etc.). Therefore Therefore it

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hudetz to include manual entry of the bar codes via the use of a keypad to facilitate the interactivity of the user and the computer, since not all computers are capable with bar code readers this is a form of a backup for the system.

28. Referring to claims 30 and 31, Hudetz discloses a computer architecture providing a bridge between tangible media and computer media as stated in the claims above. Hudetz furthermore states that the bar codes may be entered using a voice recognition system which inherently must require an audio receiver to interpret the voice of the user (col. 8, lines 34-38) but does not state this is an audio receiver on a wireless cellular or digital phone. However it is well known in the art that audio receivers displaced over the telephone can interpret voice commands and provide services to the caller (e.g. a receptionist on the other end of the call connecting a caller to a specific voicemail box). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hudetz to include an audio receiver to interpret input from the user in order to facilitate another method of entering data to a computer system.

29. Claims 37, and 38 are rejected for similar reasons as stated above.

30. Referring to claims 10-12, and 39-41, Hudetz discloses a computer architecture providing a bridge between tangible media and computer media as stated in the claims

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above. Hudetz does not disclose that the data transmitted comprises a media copy of an article or a computer media coupon. However it is well known in the art that the Internet can provide a URL page with any sort of text or pictorial information to a viewer, such as online newspapers or advertisements for the product in question. It is also well known that online coupon distribution is used to entice users into buying a product featured. Therefore it would have been obvious to one of ordinary skill at the time the invention was made to include a computer media copy of an article or a computer media coupon to entice users into purchasing the product or to provide information related to this product, in order to persuade the user for further use of the product.

31. Referring to claims 42 and 43, Hudetz discloses a computer architecture providing a bridge between tangible media and computer media as stated in the claims above. Hudetz does not disclose that the data transmitted comprises geographical maps as well as audio files communicated by the vehicle computer. However it is well known that most GPS services provide maps to be used as directions as well as audio files to notify the driver of when to turn (i.e. a computer-generated voice tells the driver to turn left here, or go straight, etc.). Therefore It would be obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of Hudetz to provide geographical maps and audio files in order for the user to know where to drive and how to get there as well as to notify the driver as to when to turn since they cannot look at the map and drive at the same time.

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32. Claims 50, 51, 53-55, 61, and 64-66 are rejected for similar reasons as stated in the claims above.

Claims 15 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz in view of Ogasawara (US Pre. Grant Pub. 2002/0065728).

33. Hudetz discloses a computer architecture providing a bridge between tangible media and computer media as stated in the claims above. Hudetz does not disclose that the link is to a vendor Web site for facilitating purchase of a product described in the tangible media object. Ogasawara discloses another computer architecture which provides a user to scan a bar code in a catalog which will facilitate purchasing of the object (e.g. abstract). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Hudetz with Ogasawara to provides the user with the option of purchasing a product related to the article of commerce in which from the bar code originated, providing a more efficient method of purchasing products.

Conclusion

34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

35. Mulla et al. (USPN 6,311,896) discloses a compact bar code scanner.

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36. Rhoads (USPN 6,311,214) discloses linking of computers based on optical sensing of digital data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (703) 305-7855. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JEA
April 27, 2004



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